

**WORKMAN NYDEGGER**  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW  
1000 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
SALT LAKE CITY, UTAH 84111  
TELEPHONE (801) 533-9800  
FAX (801) 328-1707

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December 1, 2008

Total Number of Pages  
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From: Lindsey Ferguson for JENS C. JENKINS

Comments: Request for Refund

Serial No. 10/700,067

Docket No. 17523.1

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PTO/SS/21 (09-04)

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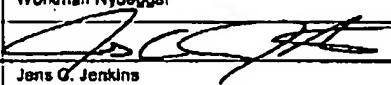
		Application Number	10/700,067
		Filing Date	November 3, 2003
		First Named Inventor	Douglas Durbano
		Art Unit	3696
		Examiner Name	Carol A. See
Total Number of Pages in This Submission	3	Attorney Docket Number	17523.1

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declarations(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ <input type="checkbox"/> Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.62 or 1.53	<input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD. Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communications to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
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Remarks: Applicant paid the three month extension of time fee in the amount of \$1100.00. Since the applicant was only required to pay the small entity fee of \$555.00, applicant respectfully requests a refund in the amount of \$555.00 to be deposited to deposit account 23-3178.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Workman Nydegger		
Signature			
Printed Name	Jens O. Jenkins		
Date	December 1, 2008	Reg. No.	44,803

## CERTIFICATE OF TRANSMISSION/ MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.3. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application forms to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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VIA eFILE

PATENT APPLICATION  
Docket No. 17523.1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of )  
                          Douglas Durbano )  
                          ) )  
Serial No.:           10/700,067           ) Art Unit  
                          ) 3696  
Filed:               November 3, 2003       )  
                          ) )  
Conf. No.:           3740                    )  
                          ) )  
For:                 LIMITED LIABILITY BANKING )  
                         STRUCTURE INVOLVING MEMBER )  
                         BANKING AND METHOD OF USE )  
                          ) )  
Examiner:           Carol A. See           )  
                          ) )  
Customer No.:       22913                   )  
                          ) )

**REQUEST FOR REFUND UNDER 37 CFR 1.28**

Refund Section  
Accounting Division, Office of Finance  
Commissioner for Patents  
PO Box 1450  
Arlington, Virginia 22313-1450

Dear Sir:

On November 26, 2008, Applicant inadvertently paid the large entity fee for a Petition for Three Month Extension of Time for the referenced patent application in the amount of \$1110.00. However, Applicant is entitled to Small Entity Status pursuant to 37 CFR 1.27. Applicant thus hereby requests a refund of \$555.00 of the three month extension of time fee pursuant 37 CFR 1.28 so that the extension of time fee corresponds

with the fee of \$555.00 for a Small Entity. In order to satisfy the requirements of the request, Applicant hereby asserts the following:

**I. Establishment of Small Entity Status.**

Applicant hereby asserts pursuant to 37 CFR 1.27 that the present application is entitled to claim small entity status as of at least the date the above-referenced patent application was filed.

**II. Refund Request.**

Applicant paid the three month extension of time fee in the amount of \$1110.00. Since Applicant was only required to pay the small entity fee of \$555.00, Applicant respectfully requests a refund in the amount of \$555.00.

**III. Manner of Refund.**

Applicant hereby requests a refund of \$555.00 and requests that the \$555.00 be refunded to deposit account 23-3178.

In the event of any questions, or additional documentation is required in this matter, please contact the attorney below.

Dated this 1<sup>st</sup> day of December 2008.

Respectfully submitted,



RICK D. NYDEGGER  
Registration No. 28,651  
JENS C. JENKINS  
Registration No. 44,803  
Attorneys for Applicant  
Customer No. 47973

JCJ:laf  
2192776\_1.DOC

## Electronic Patent Application Fee Transmittal

<b>Application Number:</b>	10700067			
<b>Filing Date:</b>	03-Nov-2003			
Adjustment date: 12/05/2008 HDESTA1 11/28/2008 INTEFSW 00003476 10700067 01 FC:1253 -1110.00 0P  12/05/2008 HDESTA1 00000001 10700067 01 FC:1253 555.00 0P				
<b>Title of Invention:</b>  Refund Ref: 12/05/2008 0030064231	Limited liability banking structure involving member banking and method of use			
<b>Credit Card Refund Total:</b> \$555.00				
<b>Am Exp.:</b> XXXXXXXXXXXX1000				
<b>First Named Inventor/Applicant Name:</b>	Douglas M. Durbano			
<b>Filer:</b>	Jens C. Jenkins/Lindsey Ferguson			
<b>Attorney Docket Number:</b>	17523.1			
Filed as Large Entity				
<b>Utility under 35 USC 111(a) Filing Fees</b>				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				
<b>Extension-of-Time:</b>				
Extension - 3 months with \$0 paid	1253	1	1110	1110

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Miscellaneous:</b>				
<b>Total in USD (\$)</b>				<b>1110</b>